1946

File No. Dist. Police II/46

K

Legal Department

B

BRANCH

Subject:— Rules and Notifications under the Bombay District Police Act, 1890

P. S. F.

File No. Dist. Police II/46

Fem. 104-6.

289-B

Office of the A.L.A.

Although by the ~~xxxxxxx~~ Adaptation of Indian Laws Order in Council, the power to appoint additional police officers, under sec.22A of the Bombay District Police Act, 1890, has been vested in the Provincial Government, that power in virtue of Government Notification, Finance Department, No.1527/33-B dated 1st April 1937 continues to remain with the District Superintendent subject to any direction to the contrary that may, after 1st April 1937, be made under sub-section (1) of section 241 of the Government of India Act. Unless therefore there is any direction to the contrary additional police officers can be appointed under section 22A of the District Police Act by the District Superintendent. That being the case, it is not necessary for the Provincial Government to appoint such police officers. H.D. should therefore consider in consultation with F.D. which has issued the Govt. Notification referred to above whether in the present case the appointment of additional police officers should not be made by the District Superintendent of Police.

Sd/-

17/4/46

Remembrancer of Legal Affairs.

U.R. to H.D.No.2974, dated the 18th April, 1946.

RHB.
13.7.

R.L.A's Office.

The first question referred to the R.L.A. for consideration is whether under section 6 of the Bombay District Police Act, 1890, more than one additional District Superintendent of Police can be appointed for a district.

Paragraph(1) of sub-section (1) of section 6 empowers the Provincial Government to appoint for each district a Superintendent, an Additional Superintendent and such Assistant and Deputy Superintendents of Police as may think expedient. Under paragraph (2) of the said sub-section (1) of section 6 and Additional Superintendent of Police is empowered under the order of the Provincial Government to exercise and perform in the district for which he is appointed or any part thereof all or any of the powers and duties of a Superintendent of Police. This Paragraph contemplates the appointment of more than one Additional Superintendent of Police. It would therefore be feasible to appoint Mr. M.L.Chudasama to be Additional District ——— Superintendent of Police for the Ahmedabad District and empower him to exercise and perform in the Ahmedabad City the powers and duties of a Superintendent of Police. A draft notification for the purpose is sent herewith. Before issuing the notification, H.D. should ascertain that the Ahmedabad City comprises a definite area.

2. The second question is whether Mr. Chudasama who is a confirmed Superintendent of Police but is now acting as Secretary and Executive Officer, Regional Transport Authority, cannot otherwise exercise the powers of a police-officer. On Mr. Chudasama's appointment as Secretary and Executive Officer of the Regional Transport Authority he ceased to be a police-officer within the meaning of the Bombay District Police

Police Act and cannot therefore exercise the powers of a police officer unless he is again appointed as a police-officer.

3. The last question is whether Mr. Chudasama can be appointed to be a special police-officer under section 21 of the Act. Section 21(1) provides that whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may on the application of any police- officer not lower in rank than a sub-inspector by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and withing such limits as he shall think necessaryso manypersons fit and willing to act as such officers as he shall think proper. This section - contemplates the temporary appointment of persons under certain specified circumstances. A special police-officer so appointed can under sub-section (2) of that section exercise the powers of an ordinary police-officer. Mr. Chudasama is a confirmed Superintendent of Police though at present he is officiating as Secretary and Executive Officer of the Regional Transport Authority. In the circumstances it would hardlybe proper or appropriate to appoint an officer of his standing a special police-officer.

Id/- P.N.M.
20/5/46.
Remembrancer of Legal Affairs.

U.R. to H.D. No.3775, dated the 20th May 1946.

RHB. 13.7.

NOTIFICATION.

Home Department.
Bombay Castle, 1946.

Bombay District Police Act, 1890.

No. In exercise of the powers conferred by sub-section (1) of section 6 of the Bombay District Police Act, 1890 (Bom. IV of 1890), the Government of Bombay is pleased to appoint Mr. M. M. Chudasama, Secretary and Executive Officer of the Regional Transport Authority, Gujarat Region, Ahmedabad, to be Additional District - Superintendent of Police for the Ahmedabad District for the period during which he holds the office of the Secretary and Executive Officer of the said Regional Transport Authority and to empower him to exercise and perform in the City of Ahmedabad all the powers and duties of a Superintendent of Police under the said Act.

By order of the Governor of Bombay

Secretary to Government.

RHB.
13.7.